

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Gabriel Randolph,	)	
	)	
Plaintiff,	)	C/A No. 2:06-52-MBS-RSC
	)	
vs.	)	
	)	<b>ORDER and OPINION</b>
Aaron Joyner, Major; Kenny Green, Capt.;	)	
Anna Redfearn; I/M Grie. Coor.; Calvin	)	
Quick, Lt.; William Ocean, Lt.; Willie	)	
Davis; and W. Martin, Lt. of Fire Safety,	)	
each in their individual capacity,	)	
	)	
Respondent.	)	
	)	

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This matter is before the court on Plaintiffs’ objections to the Report and Recommendation of the Magistrate Judge filed April 27, 2006.

Plaintiff is an inmate at Evans Correction Institute (ECI) in Bennettsville, South Carolina. Appearing *pro se*, Plaintiff brings this action accusing Defendants Ocean, Davis, Martin, and Joyner of “beat[ing] [Plaintiff]” on November 3, 2005 in violation of 42 U.S.C. § 1983. Complaint, 3. Plaintiff also alleges that Defendants Quick, Green, and Redfearn failed to prevent the alleged incident by refusing to intervene. Id.

On February 24, 2006, Plaintiff filed a Motion for Injunctive Relief. Plaintiff reiterates in the motion the facts underlying his initial complaint and asks for a “Temporary Restraining Order against Defendants.” Motion for Injunctive Relief, 2. Plaintiff also asks the court to remove him from ECI as well as to immediately improve the quality of the legal materials available to inmates at ECI. Id. at 2-3.

In accordance with 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Robert Carr. The Magistrate Judge reviewed the motion and, on April 18, 2006, filed a

Report and Recommendation recommending that the motion be denied. Plaintiff filed objections to the Report and Recommendation (“Plaintiffs’ Objections”) on April 27, 2006.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. Mathews v. Weber, 423 U.S. 261, 270 (1976). The responsibility for making a final determination remains with this court. Id. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge’s report to which objections have been filed. Id. However, the district court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge’s proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982).

The Magistrate Judge engaged in a thorough review of Plaintiffs’ motion and the applicable case law before recommending that the requested order should not issue. Report and Recommendations, 2-3. Specifically, the Magistrate Judge recommended a finding that Plaintiff has failed to articulate a risk of irreparable injury as required to secure a preliminary injunction or temporary restraining as required under Fed. R. Civ. P. 65. Id.

In his objections, Plaintiff expresses dissatisfaction with the legal assistance available at ECI. Objections, 1. Plaintiff also appears to allege that Defendant Redfearn has improperly handled his internal grievances relating to the alleged November 3, 2005 incident. Id. at 2. However, Plaintiff fails to address the findings and recommendation of the Magistrate Judge with respect to Plaintiff’s underlying motion. Accordingly, the court is not obligated to conduct a *de novo* review.

See Orpiano, 687 F.2d at 47-48. Though not obligated, the court has thoroughly reviewed the record and applicable law and finds the Magistrate Judge's analysis to be correct. Accordingly, the court adopts the Magistrate Judge's recommendation that Plaintiff has failed to allege specific facts indicating that immediate and irreparable injury, loss, or damage will result to Plaintiff if the relief sought is not granted. See Fed. R. Civ. P. 65. Plaintiff's motion is **DENIED**.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Margaret B. Seymour  
United States District Judge

May 5, 2006  
Columbia, South Carolina